

Exhibit B

DECLARATION OF OFFICER BRANDON EAGAR IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

I, BRANDON EAGAR, being first duly sworn, declare as follows:

1. I am a Defendant in Case No. 2:10-cv-01814-PMP-GWF. The following is within my personal knowledge, except those facts stated upon information and belief, which I believe to be true, and if called upon as a witness, I could competently testify thereto.

2. I am a police officer with the Las Vegas Metropolitan Police Department. On March 21, 2008, I was on duty and received a call to respond to Mountain View Hospital.

3. The call came in as an unknown female who had previously been trespassed from the hospital was causing a disturbance on the second floor of the ICU.

4. The individual was identified as Joyce Zaic.

5. After arriving, I conducted an investigation into the call.

6. I spoke with Danielle Pieper who alleged that Joyce Zaic had battered her while inside the ICU Unit.

7. I witnessed Danielle Pieper fill out a Voluntary Statement describing what occurred inside Mountain View Hospital. Attached to my Declaration as **Exhibit 1** is a true and accurate and authentic copy of the Voluntary Statement of Danielle Pieper to which I am a witness.

8. While speaking with Danielle Pieper, I noticed a red mark on or near her face.

9. While on scene I also spoke with an eye witness to the battery, Steve Zaic. Steve Zaic provided a Voluntary Statement regarding what occurred inside the hospital, specifically indicating that Zaic punched Pieper in the neck. Attached to my Declaration as **Exhibit 2** is a true, accurate and authentic copy of the Voluntary Statement Steve Zaic provided and to which I am a witness of.

10. I spoke with Mountain View security who indicated they had had numerous problems with Joyce Zaic. Security informed me that she was uncooperative and refused to leave the property.

11. Our investigation revealed facts to give us probable cause that Joyce Zaic had

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 committed a battery in violation of Nevada law.

2 12. At the conclusion of our investigation, Danielle Pieper filled out a Declaration of
3 Citizen's Arrest and Joyce Zaic was arrested.

4 I declare under penalty of perjury under the law of the State of Nevada (NRS 53.045),
5 that the foregoing is true and correct.

6 DATED this 23 day of September, 2011.

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BRANDON EAGAR

MARQUIS AURBACH COFFING

10001 Park Run Drive

Las Vegas, Nevada 89145

(702) 382-0711 FAX: (702) 382-5816

Exhibit 1

Page 1 of 2LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENTEvent # 080321-2810

THIS PORTION TO BE COMPLETED BY OFFICER			
Specific Crime <u>BATTERY</u>		Date Occurred <u>3-21-08</u>	Time Occurred <u>2020</u>
Location of Occurrence <u>3100 N TERESA LV NV 89129</u>		Sector/Beat <u>16</u>	<input checked="" type="checkbox"/> City <input type="checkbox"/> County

Your Name (Last / First / Middle) <u>X Pieper / Danielle / K</u>		Date of Birth <u>5/16/72</u>	Social Security #
Race <u>Asian</u>	Sex <u>F</u>	Height <u>5'3</u>	Weight <u>120</u>
Hair <u>Brown</u>	Eyes <u>Brown</u>	Work Sched. (Hours) <u>M-F</u>	(Days Off) <u>Sat/Sun</u>
Residence Address: (Number & Street) <u>200 Lewis Ave</u>		Bldg./Apt. # <u>101</u>	City <u>LV</u>
State <u>NV</u>		Zip Code <u>89101</u>	Res. Phone: <u>671-2675</u>
Bus. (Local) Address: (Number & Street) <u>200 Lewis Ave</u>		Bldg./Apt. # <u>101</u>	City <u>LV</u>
State <u>NV</u>		Zip Code <u>89101</u>	Occupation <u>ANY</u>
Best place to contact you during the day <u>WORK</u>		Best time to contact you during the day <u>ANY</u>	
Can You Identify the Suspect?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

X DETAILS On March 21, 2008 at approximately 8:15 pm, I went w/ my fiancée, Steve Zaric, to Mt. View Hospital to visit his father Frank Zaric in the ICU. I walked into his room and Steve's sister, Joyce Zaric, yelled out, "who the fuck is that, Steve?" Steve said, "Joyce, calm down that's my fiancée Dani." Joyce then said, "She needs to get the fuck out of the room. I only want family in here." Steve said, "calm down, Joyce". Joyce then came up to me as I was standing on the side of Frank's bed. She was about 2ft. from my face and said, "get the fuck out of the room, you don't belong here." I then looked at her. She again said, "get the fuck out of the room, you don't belong here." I continued to look at her, then she said, "get that →"

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) 3100 N TERESA ON THE 21 DAY OF MARCH AT 930 (AM / PM) 2008.

Witness/Officer: Danielle K. Pieper
(SIGNATURE)

Witness/Officer: B. EAGAR P# 60189
(PRINTED)

LVMPD 85 (REV. 5-00)

(PRINTED)

P# 60189

X [Signature]
SIGNATURE OF PERSON GIVING STATEMENT


LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT CONTINUATIONPage 2 of 2Event #: 080321-2810

"fucker smile off your face". The whole time she is ~~doing~~ yelling at me, she's pointing her finger in my face. Then she comes right up to my face and draws back her breath and I see spit in her mouth. She then is about to spit on me and I turn my head. Then she pushes me on the left shoulder and I step back and then she says, "get the fuck out... you are not family". then I turn away from her and I feel a blow to the ~~left side~~ right side of my neck, and I realized that she hit me. Steve then comes around the bed and gets in between myself and Joyce. I am cornered b/w Steve's father's bed and Steve in front of me. Joyce is screaming, "get her the fuck out of the room." The whole time she is yelling she is trying to get to me by lunging and pushing past Steve. She looked like a wild dog that had rabies. She's pointing her finger and yelling, "get the fuck out" ... She continues to lunge ~~at~~ at me and Steve pushes her back and she falls to the ground and ~~is~~ yells. The nursing staff comes over and we waited for Metu.

Witness: Witness: Bethgar 6189

LVMPD 86 (REV. 3-01)

SIGNATURE OF PERSON GIVING STATEMENT


Danielle Pieper

PRINT NAME OF PERSON GIVING STATEMENT

Exhibit 2

Page 1 of 2LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event #

060321-2810

THIS PORTION TO BE COMPLETED BY OFFICER		
Specific Crime <u>BATTERY</u>	Date Occurred <u>3-21-08</u>	Time Occurred <u>2020</u>
Location of Occurrence <u>3100 W TENAYA LV NV 89129</u>	Sector/Beat <u>16</u>	<input checked="" type="checkbox"/> City <input type="checkbox"/> County

Your Name (Last / First / Middle) <u>ZAIC STEVE</u>						Date of Birth <u>2/16/64</u>		Social Security # <u>530-64-7662</u>	
Race <u>W</u>	Sex <u>M</u>	Height <u>6-00</u>	Weight <u>190</u>	Hair <u>BRN</u>	Eyes <u>Hazel</u>	Work Sched. (Hours) <u>RETIRED</u>	(Days Off)	Business / School <u>NONE</u>	
Residence Address: (Number & Street) <u>8625 HIGHLAND VIEW AVE</u>			Bldg./Apt.# <u>1A</u>		City <u>LV</u>	State <u>NV</u>	Zip Code <u>89145</u>	Res. Phone: <u>277-1779</u>	
Bus. (Local) Address: (Number & Street) <u>S/A</u>			Bldg./Apt.#		City	State	Zip Code	Occupation <u>S/A</u>	
Best place to contact you during the day <u>RESIDENCE</u>						Best time to contact you during the day <u>ANY</u>		Can You Identify <input checked="" type="checkbox"/> Yes the Suspect? <input type="checkbox"/> No	

DETAILS ON 3/21/08 AT ABOUT 2015 HOURS MY FIANCEE, DANIELLE PIERPER, AND I WERE AT MOUNTAIN VIEW HOSPITAL, ICU ROOM 229 TO VISIT WITH MY DAD, FRANK ZAIC. UPON ENTERING THE ROOM MY SISTER, JOYCE ZAIC, SAID, "WHO IS THAT." I TOLD HER, SHE WAS MY FIANCEE, "DANI." JOYCE SAID, "I DON'T WANT HER IN HERE, SHE'S NOT FAMILY!" SHE THEN STOOD UP FROM HER CHAIR AND SAID, "GET THE FUCK OUT." I TOLD JOYCE TO RELAX, WE WERE GOING TO LEAVE, AT WHICH TIME JOYCE STORMED UP TO DANI'S FACE AND STARTED TO POINT AT HER AND VERY LOUDLY SCREAMING FOR HER TO LEAVE THE ROOM. DANI TURNED AWAY AND JOYCE PUSHED DANI'S IN THE SHOULDER AREA WITH HER LEFT HAND. SHE THEN GOT CLOSER TO DANI AND PUNCHED HER IN THE NECK WITH HER LEFT FIST. I IMMEDIATELY STEPPED BETWEEN DANI AND JOYCE TO PREVENT JOYCE FROM BATTERYING DANI AGAIN. JOYCE CONTINUED TO YELL AT DANI AND POINT AT HER OVER MY SHOULDER. JOYCE THEN ATTEMPTED TO GET AROUND ME SEVERAL TIMES TO GET TO DANI. AT WHICH TIME I PUSHED HER BACK.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) 3100 TENAYA W, NV
ON THE 21 DAY OF MARCH AT 9:30 (AM) (PM) 2008.

Witness/Officer:

(SIGNATURE)

Witness/Officer:

LVMPD 85 (REV. 5-00)

(PRINTED)

P#

60189

X (SIGNATURE OF PERSON GIVING STATEMENT)

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JOYCE FELL TO THE GROUND AND I PLACED HER HANDS
BEHIND HER BACK AND TOLD HER TO CALM DOWN. THE NURSES
CAME INTO THE ROOM AND ASKED ME TO GET OFF HER. I
COMPLIED AND DANE AND I LEFT THE ROOM. AS WE WERE
LEAVING, SECURITY WAS COMING. WE TOLD SECURITY
WE WERE GOING TO WAIT IN THE WAITING AREA
FOR METRO.

Witness: [Signature]Witness: [Signature]

LVMPD 88 (REV. 3-01)

SIGNATURE OF PERSON GIVING STATEMENT

PRINT NAME OF PERSON GIVING STATEMENT